

App No 34226

VOLUNTARY AGREEMENT BETWEEN
RESIDENTS OF THE 1400 BLOCK OF Q STREET, NW
(Q STREET ASSOCIATION)
AND FLAMINGO, INC., T/A ELEVENTH HOUR
ABC BOARD APPLICATION # 34226

This voluntary agreement (the "Agreement") is made this 9th day of October, 1998, by and between residents of the 1400 block of Q Street, NW, and immediate area, representing the neighborhood (the "Q Street Association"), and Howard Kitrosser of Flamingo, Inc., T/A Eleventh Hour Restaurant and Lounge (hereinafter, the "Applicant"), in relation to the District of Columbia Alcoholic Beverage Control Retailer's License Class CR (the "Liquor License"), Application # 34226, for the premises located at 1512 14th Street, NW, Washington, DC (the "Establishment"). Principal offices of the above parties to this Agreement are listed in the "Notices" section of this Agreement.

WITNESSETH

WHEREAS, the Applicant proposes to own and operate a restaurant known as "Eleventh Hour" at 1512 14th Street, NW, Washington, DC; and

WHEREAS, there exists an Agreement between the Applicant and the Logan Circle Community Association, representing the neighborhood, which was signed on March 13, 1996, to resolve a previous 14(b) protest before the ABC Board; and,

WHEREAS, the neighborhood wishes to represent itself as the Q Street Association and supplement the above referenced Agreement with the holders of the above referenced Liquor License;

NOW, THEREFORE, in consideration of the above and the covenants and promises set forth below, the parties agree as follows:

1. **PARKING.** The Applicant shall maintain parking for the establishment at the ratio of one (1) parking space for every three (3) patrons as noted in the Certificate of Occupancy, the Restaurant License, and the ABC Board License. The amount of parking to be provided is 66 parking spaces. This parking may be in the form of valet parking or park and lock parking, and shall be located within five hundred (500) walking feet of the front entry of the Establishment. The Applicant shall maintain off-site parking for the duration of its Liquor License. The Applicant shall provide a copy of any lease or rental agreement for off-site parking to the Q Street Association. In the event of cancellation of any lease or rental agreement for parking, the Applicant shall immediately notify the Q Street Association, and the Applicant shall immediately lease or rent other off-site parking within 30 days, and shall send a copy of the lease or rental agreement to the Q Street Association.

The parking is to be available whenever the Establishment is open for business exclusively for patrons during evening hours after 6:00 PM. The parking areas are to be kept clean and lighted at night, and secured (fenced and locked) when not in use.

2. RAT AND VERMIN CONTROL. The Applicant shall provide rat and vermin control in its loading, unloading and trash dumpster areas.

3. SECURITY WITHIN AND OUTSIDE THE ESTABLISHMENT. The Applicant shall provide internal and external security for after dinner hours (past 10:00 PM) until closing.

4. CAPACITY. The Applicant shall at all times adhere to its occupancy limit of 199 persons. At no time will the number of occupants be an amount greater than 199 patrons. The capacity placards shall state the occupancy limit to be 199 patrons or less.

5. STAGING. The Applicant shall stage the patrons waiting for seating inside, not outside the Establishment.

6. STREET CLEANING. The Applicant shall keep the sidewalks and tree boxes in front and on the side of the Establishment clean at all times, and the curbs free of trash.

7. LOCATION OF TRASH DUMPSTERS. The Applicant shall locate trash dumpsters in the rear parking lot of the Establishment.

8. DELIVERIES. Deliveries to the Establishment must avoid impeding traffic flow on 14th Street, NW. The Establishment must maintain an entrance for deliveries on Church Street, NW. Deliveries shall be scheduled to avoid disturbance of performances at Woolly Mammoth Theater.

9. NOISE. The Establishment shall conform at all times to DC Law 2-53 under which the maximum permissible noise level emanating from the Establishment at night time is 60 dB(A), as measured at the property line.

10. SIGNAGE. The Applicant shall obtain a permit for any external signage on premises. Any new sign for the Establishment shall conform to the DC regulations governing Historic Districts.

11. FIRE PROTECTION. The Establishment shall obtain a certification from the Fire Marshall that it conforms to current building code regulations for protection of occupants against fire.

12. CONDITIONS OF LIQUOR LICENSE. The Applicant will adhere to the conditions of the license for the Establishment herein contained, and it is understood that the provisions of this Voluntary Agreement shall become a part of the conditions of the license. Failure of the Applicant to correct any violations of the conditions of the license within thirty (30) days shall be just cause by the ABC Board to suspend or revoke the license.

13. PREVIOUS AGREEMENT BETWEEN FLAMINGO, INC. AND LCCA. This Agreement supplements the previously signed Agreement between Flamingo, Inc., and the Logan Circle Community Association.

14. BINDING EFFECT. This Voluntary Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which the Voluntary Agreement applies.

15. NOTICES. Any notices required to be made under this Agreement shall be in writing and mailed by Certified Mail, return receipt requested, postage prepaid, to the other parties to this Agreement. Notice is deemed to be received upon mailing. Notice is to be given as follows:

- a.) If to the Applicant, to:
Flamingo, Inc., T/A Eleventh Hour
c/o Howard Kitrosser, Owner and Manager
1512 14th Street, NW
Washington, DC 20009
- b.) If to the Q Street Association, to:
Q Street Association
c/o Jacob A. Clark, M.D.
1418 Q Street, NW
Washington, DC 20009

IN WITNESS WHEREOF, the parties have executed this Voluntary Agreement as of the day and year first above written.

Flamingo, Inc., T/A Eleventh Hour
by: Hank [Signature]

The Q Street Association

by: Jacob A. Clark JACOB A. CLARK 1418 Q ST NW
Bonn J. Macy BONN J. MACY 1445 Q ST, NW
Charles B. Yulish Charles B. YULISH 1438 Q ST NW

ANC 2-F

by: Helen M. Kramer HELEN M. KRAMER
Chairwoman
ANC - 2F
P.O. Box 9348, MID CITY STATION
WASHINGTON, DC 20005

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Flamingo Inc.

t/a Flamingo Ethiopian Restaurant) Case No. 34226-96034P

Application for a Retailer's

License Class "CR" - new

at premises

1513 14th Street, N.W.

Washington, D.C.

Chris Young, President, on behalf of the Logan Circle Citizens
Association, Protestant, and Patrice A. Cramer, Initiating Petitioner

Benjamin Chaplin, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson;

DENNIS BASS, Member;

JAMES C. JEFFERSON, Member

JAMES L. O'DEA, III, ESQUIRE, Member

BARBARA L. SMITH, ESQUIRE, Member

ORDER ON WITHDRAWN PROTEST

This matter, having been protested, came before the Board on April 20, 1996, in accordance with D.C. Code Section 25-115 (c)(5)(1995 Supp.), providing for remonstrants to be heard. Chris Young, President, on behalf of the Logan Circle Citizens Association (hereinafter "LCCA") filed a timely section 14 (b) protest, and Patrice A. Cramer, initiated a timely section 14 (e) (registered voter) petition. By letter, dated March 19, 1996, Patrice A. Cramer withdrew her section 14 (e) petition on the basis of the voluntary agreement between the applicant and LCCA.

The official records of the Board reflect that parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement,

1/ See Agreement dated March 13, 1996.

Flamingo, Inc.
t/a Flamingo Ethiopian Restaurant
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the Protestant has agreed to withdraw her protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

Accordingly, it is this 24th day of April 1996,
ORDERED that:

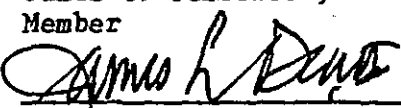
1. The section 14 (b) of Chris Young, President, on behalf of the Logan Circle Citizens Association, be, and the same hereby, is **WITHDRAWN**;
2. The section 14 (e) (registered voter) petition of Patrice A. Cramer, be, and the same hereby, is **WITHDRAWN**;
3. The above-referenced Agreement between the parties be, and the same hereby, is **INCORPORATED** as part of this Order;
4. The application of Flamingo, Inc. t/a Flamingo Ethiopian Restaurant for a retailer's license class CR - new, at location 1513 14th Street, N.W., be, and the same hereby is **GRANTED**; and,
5. Copies of this Order shall be sent to the Protestant, the Initiating Petitioner, the Representative for the Applicant, and the Applicant.

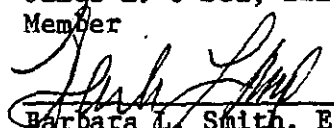
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

Mary Eva Candon, Esquire
Chairman


Dennis Bass
Member

James C. Jefferson,
Member


James L. O'Dea, III, Esquire
Member


Barbara L. Smith, Esquire
Member